

November 20, 2008

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

REPORT AND RECOMMENDATION

APPLICANT/CONTACT: Thomas George
St. Thomas Orthodox Church
266 Harrington Ave SE
Renton, WA 98056

OWNER: Babu & Mercy Parayil
2314 127th Ave NE
Bellevue, WA 98005

St. Thomas Orthodox Church Conditional Use Permit
LUA-08-102, CU-H

LOCATION: 11651 188th Ave SE

SUMMARY OF REQUEST: Conditional Use Permit to change the use of an existing mechanical shop to St. Thomas Orthodox Church within the R-4 zone.

SUMMARY OF ACTION: Development Services Recommendation: Approve with Conditions

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on October 14, 2008.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the October 21, 2008 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, October 21, 2008, at 9:02 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Yellow Project File containing the application, reports, staff comments, and other material pertinent to the review of the project.	<u>Exhibit No. 2:</u> Site/Parking Plan
<u>Exhibit No. 3:</u> Church Floor Plan	<u>Exhibit No. 4:</u> Church Elevations
<u>Exhibit No. 5:</u> St. Thomas Orthodox Church Parking	<u>Exhibit No. 6:</u> Zoning Map

Modification	
<u>Exhibit No. 7:</u> Text Narrative of Proposal	<u>Exhibit No. 8:</u> Aerial Photograph of Area
<u>Exhibit No. 9:</u> Letters of Objection from Neighbors	<u>Exhibit No. 10:</u> Revised Site Plan
<u>Exhibit No. 11:</u> Written Comments by Babu Parayil	<u>Exhibit No. 12:</u> Packet of Objection Letters from Neighbors
<u>Exhibit No. 13:</u> Aerial Photo provided by Mr. Christman showing wetland area	

The hearing opened with a presentation of the staff report by Ion Arai, Assistant Planner, Development Services, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The project site is located within the Benson Hill Annexation area. The applicant proposes to convert an existing mechanical shop building into 90-seat church located at 11651 SE 188th Street.

The existing building is 1,960 square feet and the subject property is 1.1 acre in size. There are two existing dwelling units on the northern half of the property. The church would be located in the southwest portion of the property. Renovation of the mechanical shop would include windows, doors and a cross on top of the roof. The new facilities would include a worship hall, break room, kitchen and two restrooms as well as a mechanical room.

An existing gravel parking lot would be reconfigured to accommodate 19 stalls and landscaping. Access to the parking lot would be provided along 118th Street, which currently is a dead end, 12-foot wide gravel roadway.

The Examiner questioned the fact that he believed the code allowed one use per lot, the existing prior use of this mechanical shop may make a difference, but the existing single-family home seems to be the primary use. Does the code permit multiple uses on a single lot?

Jennifer Henning stated there is no specific language that limits primary uses to one use per lot. Other jurisdictions do have that restriction.

Ion Arai continued stating that the access road is currently 12 feet wide but the easement is up to 30-feet wide.

The site is designated Residential Low Density on the Comprehensive Plan Land Use Map. The conversion from a mechanical shop to a church would create less noise and traffic. Policies LU 104 and LU 107 are not met by the site, the site would be located within the interior of a residential neighborhood and the site would not have direct access to an arterial or a collector street.

The size of use would not be affected. Setbacks, height and lot coverage standards are met by the proposal. The site further meets the buffering and screening requirements. Should the Examiner approve the Conditional Use Permit, a revised landscape plan would be required to clarify the buffering and screening issues.

The proposed use appears to be too intense for the existing residential use and should the proposal be approved the applicant would be required to turn the existing residential homes on the property into housing for the clergy. The appearance of the structure would not change substantially; however, the level of activity would increase significantly. Compatibility issues are of concern to the surrounding neighborhood. On Sundays and

on days when special services would be held, activity would increase. In addition, the hours of operation of the church could be limited to prevent incompatible noise impacts on surrounding properties.

Within a mile radius of the proposed site there are religious institutions, none are the denomination of this proposed use. The surrounding area consists of mainly half acre or more lots sizes. The combination of the location of church and parking lot to the surrounding residential areas and the potential for incompatibility result in the conclusion that the proposed location is not suited for the proposed use.

The site is currently on Septic and the applicant plans to bring in sewer and has a Certificate of Water and Sewer Availability from the Soos Creek Water and Sewer District. If the Conditional Use Permit were approved, street improvements may be required if the street improvement thresholds are exceeded.

Staff recommended Denial of this proposal due to inherent conflicts with the objectives and policies of the Renton Comprehensive Plan, and the incompatibility of the project with the R-4 zone, and established surrounding residential development.

The Examiner asked Ms. Henning what actually would be allowed on a lot in the R-4 zone?

Ms. Henning stated that they had contacted the City Attorney and reviewed the Comprehensive Plan and Zoning Code. There is no prohibition to having multiple permitted uses. The use of the property, should this application be approved, should be for full church use, in that the existing structures would need to be converted to accessory uses.

The Examiner asked what else was allowed in the R-4 zone, private schools, and daycare for seniors?

Ms. Henning stated that residential use is the most common, however other uses such as cemeteries, city government use facilities, schools, and group homes would be allowed with the approval of the Hearing Examiner. The code does not preclude specifically that any of these uses can be on the same lot with a single family home. The code is specific for new development in the terms of one home per lot.

Thomas George, 266 Harrington Avenue SE, Renton 98056 explained that they are a small Indian Orthodox Christian group, the head office of the church is in India and this parish is under the American Diocese in New York. They would be conducting Sunday worship from 9:00 am to Noon and hold occasional other services. The average attendance, including children, is approximately 45 people. It is expected to grow to approximately 60 people in the next five years and the proposed 90-seat church is based on a ten-year projection.

It appears that the primary concern of neighbors is the inconvenience by new traffic. The Fire Dept requirements of paving 118th would encroach onto the wetland buffers. Further, the City and neighbors are concerned about sewer, parking and an increased level of noise. An additional 15-20 cars on Sunday should be no problem to the neighbors.

During the first meeting with the City many of their objections were not brought up at that time. On October 15 a second meeting was held and a revised plan was presented to the City, which they appeared to approve.

The revised plan involves using 188th Street as the primary access for all church activity. The new 20' wide access to the property would include a hammerhead turnaround suitable to the Fire Department requirements. The guesthouse would be removed in order to allow for an adequate roadway. In order to maintain the residential feel to the neighborhood, landscaping and other screening options would be added to the relevant boundaries of the project site. There are approximately seven churches in a 7-mile radius of this site.

It appears that there would be less traffic impact on existing homes than if four new homes were to be built on the site. The workshop would most likely operate all week where the church only operates on Sunday. The new modified parking plan has been approved by the City, in addition signage will be provided as required and additional landscaping will also be included.

He felt that they had met all the concerns of the City and the existing neighbors and if the project were approved they would comply with all conditions including landscape, noise, parking, signage, and lighting. They have already paid a fee to Soos Creek for water and sewer service.

Babu Parayil, 2314 127th Avenue NE, Bellevue 98005 stated that he and his wife own the property and submitted the application for the proposed church. The property is in his name due to being purchased at auction and the church had difficulty getting a loan. Recently the church has found a bank that is willing to lend the funds to them and so they are in the process of transferring the ownership to the church. One of the requirements for the loan is to have an approved building permit.

The City sent notices to 30 families in the surrounding area of the proposed church, the City heard concerns from 3 of those families. It has been his experience in talking to the neighbors that the majority of them have no problems with the church being located in this area.

The property is very level and they would be able to move the parking from the south to the north if needed. Since they are going to demolish the existing guesthouse there is plenty of space for parking.

David Christman, 11819 SE 188th, Renton 98058 stated that he lives southeast of the site and his driveway is off 188th, he also owns the lot directly east of the site off of 118th. He is opposed to the Conditional Use Permit, this project is incompatible in the R-4 zone. Other churches were built prior to the area being annexed into the City of Renton. They don't need a commercial enterprise in this zone, this is residential and that is what they want to keep it at. They do not want to see the traffic increase.

Randy Eagleson, 18851 120th Avenue SE (Mailing Add: PO Box 4156, Renton 98057) stated that he lives on a two-acre lot just southeast of the subject property. His mother also lives in the same area and has access off of 118th. He is concerned with 118th being blocked by vehicles parked and not having room for emergency vehicles to access the homes back in that area. He was further concerned if they would have access to the church during the addition of sewer and water, demolition of the guest house and parking lot construction.

Elizabeth Christman, 11819 SE 188th, Renton 98058 stated that she objected to this development due to the fact that most of the people in the area are retired, they want a quiet, private area. She also had a packet of letters of objection from additional neighbors regarding the construction of this church. She was concerned that these churches start out with 15 families and then soon the registration is up to 90 families and the next year there are 3,000 families in the congregation. Where will they park all these cars?

Kayren Kittrick, Development Services stated that the private road was most likely a right-of-way with a substandard road, however, if it is private, and this has happened in King County where there will be some improvements in an area, they will map out, in this case 30-feet, and then don't build a road to any type of public standard. King County would allow that to exist and not maintain the road. If this were truly a private road between these property owners, the City would have no jurisdiction. Which means that Police or Fire would not be able to use that road to issue tickets or anything else if it is a private road. If it is a public right-of-way, that happens to have a private road, then perhaps the Police and Fire could use it. There must be some paperwork somewhere, but she had not at this point searched for this and will undertake the process as soon as possible.

A mechanic shop's highest use is on Saturday, if there were to be 4 new single family homes built on this property they would be looking at 40 per day everyday. When this project was reviewed, the intensity here would be only on Sunday.

King County Health Department determines whether or not anybody is required to connect to sewer, if they have gone to Soos Creek, it appears that King County in this instance would require changing to sewer due to the proposed use as a church.

The Building Department will not allow occupancy until everything is met, including improvements, the turnaround, the sewer installed, all construction would have to be completed for use as a church.

David Pargas, Fire Marshal stated that from a fire code standpoint, they require anything that is 150' off the main access to have a minimum 20-foot wide access with a surface capable of sustaining their apparatus. It would also need the turning capability of a hammerhead or a cul-de-sac, at this location we would require a hammerhead turnaround.

Should the access point be off of 118th, the road would have to be widened to 20-feet with the surface being able to sustain the weight of the fire trucks as well as providing the hammerhead turnaround. Now with the access being off of 188th, as long as that meets the 20-foot width, with a turnaround with a 45-foot exterior radius (20-foot inside) and the hammerhead designed to their requirements, there would be no issue with that access road. Because the road would be a minimum of 20'-28' wide it would require fire lane signage on both sides so that there would be no parking on that road.

Mr. Christman stated that 118th was originally a 15-foot easement that was provided by the owners before Mr. Parayil bought the property.

The Examiner asked that if he had any documents to that effect, if he would provide copies to Ms. Kittrick that would be appreciated.

Mr. George stated that they are proposing to not use 118th at all, they will install landscaping along 118th so no use will be available to members attending the church services.

Regarding the growth of the church, Mr. Parayil is one of the oldest members of the church, he joined in 1988 and from that year to 2008 the membership went from 6 to 15 members. The growth to 90 members is projected for the next 10 years. If the membership should grow to over 90 members and all the seating is used up, they would sell the property and move the church to a larger facility.

Further, they will not be using the facility until they receive the occupancy permit.

Ion Arai upon questioning by the Examiner stated that from information provided by some of the neighbors, there is a wetland feature that is located east of the property and if 118th is not widened in any way, then the buffer of the stream or wetland is not effected. If improvements would be required on 118th then there would be some need to conduct an Environmental Review, needing a wetland delineation, but that does not seem applicable at this juncture.

The Examiner moved to the redesign of the proposal with an interior 20-foot wide access road with hammerhead turnaround, which the Fire Department would inspect with regards to their requirements. This does change some of the impacts on neighbors, there still could be impacts if people chose to park on 188th or along the private road to the east of the project.

Ms. Henning stated that per Renton Municipal Code, churches are required to have one parking stall for each 5 seats in the main auditorium. They cannot have fewer than 10 spaces. In this instance, because of the 90-seat capacity, the parking that is being proposed and required does comply.

With regard to the revised proposal presented today, Staff did meet with the applicant last week in order to relay to them that staff would be recommending denial today. The applicants volunteered to redesign their plans, however, staff has not had an opportunity to review the new proposed plans.

The Examiner stated that he would continue the hearing to November 4, 2008 at 9:00 am, to give staff the opportunity to review the proposal, meet with the applicant and neighbors to determine whether this works. It appears to lessen some of the impacts, traffic would be moved to the interior of the site. This does not address other issues like noise would have on the immediate area.

The staff report should be reissued by October 28th and copies mailed to all parties by October 30/31.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:36 a.m.

*The following minutes are a summary of the November 4, 2008 continued hearing from 10/28/2008.
The legal record is recorded on CD.*

The hearing opened on Tuesday, November 4, 2008, at 9:16 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The hearing opened with a presentation of the staff report by Ion Arai, Assistant Planner, Department of Community and Economic Development, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The project today is a continuation of the St. Thomas Orthodox Church Conditional Use Permit. The guesthouse would be demolished and the primary residence would remain. Access to the worship/study center, would be provided from SE 188th Street to the project's gravel parking lot via a private driveway. The driveway would provide a 20-foot wide paved surface, which meets the Fire Department's access requirements. The driveway would also include a hammerhead turnaround. The driveway would be approximately 23-feet from the west property line.

The comprehensive land use designation for this site is Residential Low Density, this assures that the scale, density and intensity of uses are compatible with low-density neighborhoods. The applicants have modified the proposal to reduce the impact of the use on the surrounding neighborhoods. Access would be internalized to the parking lot and create better separation from the surrounding neighbors. The impacts of noise, dust and traffic would be minimized.

This is a renovation of an existing structure, the existing building footprint would not change. Landscaping would also remain the same as in the original proposal. Changing the driveway to SE 188th Street minimizes the neighbors concerns over traffic, noise and dust. There would be no height or building impacts on the surrounding neighborhood. The staff would like to see the southern portion of the parking lot adjusted in order to create greater separation between the residence to the south and the parking lot.

Compatibility is a great concern to the surrounding neighbors, most of the activity would happen in conjunction with religious services and be at off-peak hours.

The Examiner inquired about the gravel parking lot, and the fact that it would be stirring up dust immediately adjacent to single-family homes.

Babu Parayil read a statement regarding the project, concerns and their response. Sunday worship takes place on Sunday from 9:00 am to Noon and an occasional additional service. The average attendance on Sunday is approximately 45, they expect to grow to 60 in the next five years.

With the new proposed driveway, the current entrance from 118th used by the workshop will be abandoned. They will be bringing sewer and water to the neighborhood via Soos Creek Water and Sewer District. Should this lot be developed with 4 new single-family homes, it would likely produce more traffic, noise and pollution than a peaceful Christian worship center used once a week.

Landscaping and fencing around the structure isolate the church from the periphery of the residential area.

In closing, they want to assure the neighborhood that addressing their concerns, current and future, would be a mere practice of their faith.

Mr. Parayil read a list of conditions provided by the City that would be met, if granted a conditional use permit.

Pamela Nugent, 11642 SE 188th Street, Renton 98058 stated that she resides just north of the subject site. Since the access was moved from 118th Street to 188th Street. She was concerned if the driveway were to be gravel, however, she was informed that the driveway would be paved.

She next questioned as to what their recourse would be if this church becomes twice the size that it is currently proposed to be? She was concerned if there were to be parking allowed on SE 188th Street, it would be very difficult to exit their driveway with vehicles parked along the street.

The Examiner stated that it could become twice the size up to the capacity, which allows 90 seats. There is plan for expansion, and if they expand to their expected size, the parking stalls are still sufficient for that number. Beyond that they would have to seek a new permit for expansion, if they chose to expand this church facility on this site. What they have applied for is a 90-seat church, if the permit were approved it would be for a maximum 90-seat church.

Gary Johnson, 11811 SE 188th Street, Renton 98058 stated that he resides to the east of 118th Street. He is against this church because of noise. His back door is approximately 160 feet from the building (church). It appears that a few shrubs and vines will not stop the noise, he believes that the people will make more noise in church and getting back and forth from their cars that the actual cars will make. He does not believe that anyone in the neighborhood will use the facility, the owners of the property will not live on site. Everyone that will attend the services will come from outside this community. The neighbors should have the final say on if this church is allowed on this property or not.

David Christman, 11819 SE 188th Street, Renton 98058 testified in opposition to the project. He has lived in the area for 50 years and does not want to see another church in their neighborhood. The gravel parking lot will still have dust blowing around the area.

Randy Eagleson, 18851 120th SE, stated he lives on the large lot just south of 118th. He wanted to know if the gate were to be closed off and landscaped would cars be parking on 118th and block the road for local residents. He also opposes the church in the neighborhood.

Mr. Arai stated that the gate was proposed to be eliminated.

Elizabeth Christman, 11819 SE 188th, Renton stated that most of the people in this neighborhood are retired and enjoy their privacy. They are opposing this church because they feel it is an invasion of their privacy.

Kayren Kittrick, Development Engineering Supervisor stated that the driveway would be paved and that the parking lot would be gravel to allow for flexibility. The area in which the parking lot would be installed is well compacted down and to minimize affects on drainage, it was determined to be best to allow the gravel parking lot. Wheel stops will delineate parking stalls.

The building will have a rated capacity, it would be subject to inspection by both Building Department and the Fire Department. If they exceed that capacity they would be shut down.

Parking would be allowed on 188th, it is a public road. The City can and would evaluate if they start receiving complaints. If it is determined to be a safety factor, the street could be signed "no parking".

She was concerned with protection of the owner's rights if the gate were closed off on 118th. It is the property of the proposed church. It is an easement that the other property owners have rights to, but it is not a right-of-way, the underlying property is owned by this subject parcel. If the City decides to close off their access and use of that road, does that mean that they would lose their rights to that parcel? It should be stated somewhere that the closing of the gate does not remove their rights to this parcel.

The wetland is the subject of difficulties that the neighbors are having. They have been told that they cannot develop because there may or may not be an intermittent stream or wetlands in the area east of 118th. They are working with the Corps of Engineers. As long as this building does not expand, they do not need to deal with the wetland/buffer issue.

The Examiner stated that the Comprehensive Plan policy suggests that churches be on arterial streets and this street is not an arterial. If it is not designated as an arterial, then it is not one and 188th is not designated as an arterial street. He also inquired as to what is done when the policy states that the church's access should be on a collector or arterial street.

Ms. Kittrick stated that she had no designation for this street and would check to see if there have been any recent changes.

Jennifer Henning, Current Planning Manager stated that the defining word both policies is "should". It is not a prescriptive requirement, it does not say "shall". It is not implemented in the code with the word "shall", which means that it is to be considered.

Ion Arai showed an aerial photograph presented by Mr. Christman showing in the southwest corner a notation stating, "approximate wetland area". What it shows is a drainage flow from the wetland area north along 118th SE and then west along SE 188th, along the drainage ditch. The drainage would flow underneath the proposed driveway.

Ms. Kittrick returned and stated that 116th is designated a minor arterial street and 188th is a non-designated street.

Ms. Henning stated that the feature that runs along the east side of the subject site and then across the north side was brought to their attention by Mr. Christman. He has had some work done on his property in the hopes of being able to subdivide in the future. He pointed out that there was a wetland with a ditch attached and that this

should come under consideration during the project. Staff does believe that if no changes were made to 118th then there would be no impact within a reasonable buffer area and so they did not need to have this area evaluated.

If there were to be improvements made to 188th Street or if the project value exceeds approximately \$50,000 then it triggers the need for some street improvements along SE 188th. If these street improvements were made then there is a potential that the ditch would become involved.

A wetland study would need to be done as part of an Environmental Review, it would have to occur in conjunction with any street improvements.

She further stated that staff has been to the site on many occasions.

Mr. Christman stated that the ditch on 118th was put in by previous owner and was put in to draw water from the project site.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:19 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Thomas George for St. Thomas Orthodox Church, filed a request for a Conditional Use Permit.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official determined that the proposal is exempt from environmental review.
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of rural residential uses, but does not mandate such development without consideration of other policies of the Plan.
6. The subject site is currently zoned R-4 (Single Family - 4 dwelling units/acre).
7. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
8. The subject site is located at 11651 SE 188th Street. It is bounded on its east margin by a private street, 118th Avenue SE. The easement creating this street runs through the subject site.
9. The subject site is approximately 1.1 acres or 48,351 square feet.

10. The subject site is essentially flat. The subject site contains a single family home, a guesthouse (a second single family home) and a shop building. The two homes are located in the north third of the property. The shop building is located in the southeast quarter of the property.
11. The applicant proposes converting the shop building into a church. The building is 1,960 square feet and one-story. The conversion to a church would not change the physical size or bulk of the building. There would be no change in the setback. There would be cosmetic changes including new windows and doorways and the addition of a cross.
12. The initial plan would have retained both homes on the north portion of the subject site with access to the church via 118th Avenue SE. Staff reviewed this initial plan and recommended that the application to establish the church by Conditional Use Permit be denied. Staff believed that the impacts on the neighboring homes would be too great with access from the private, non-standard easement roadway.
13. At the first public hearing on the proposal the applicant modified the plans in an attempt to satisfy staff's concerns and reduce the impacts of the church. The suggested changes were to remove the western, guesthouse and provide access via 188th which is the public street running along the north side of the subject site rather than the private street running along the east side of the subject site. The hearing was continued to allow staff and the public to review the proposed modified plan.
14. The neighbors generally opposed the conversion of the shop to a church and were concerned about traffic and noise impacts on their homes and community.
15. Staff reviewed the new design and based on that new design recommended that the proposal be approved. They recommended a series of conditions to reduce impacts on the neighboring property. Those conditions were as follows:
 1. The applicant shall provide a revised landscape plan detailing the landscape areas that would buffer the perimeter of the parking lot from visual, noise, and dust impacts. This landscape plan shall be submitted to the Planning Division Project Manager prior to the issuance of the building permit. The proposed landscaping shall be installed and inspected prior to occupancy permit issuance.
 2. The applicant shall reconfigure the parking lot along the south property line to give additional separation between the residence on the abutting property to the south and the parking stalls. A revised parking plan shall be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit.
 3. The applicant shall close windows and doors during services/social events and install insulation and Heating/Ventilation/Air Conditioning (HVAC) within the building to limit the amount of noise impacts associated with church services. Installation of the HVAC systems would need to be accomplished prior to issuance of an occupancy permit.
 4. The applicant shall limit the hours of operation of church activities to the hours of 7:00 a.m. to 10:00 p.m.
 5. The applicant shall build a six-foot fence along the west property line to screen any potential glare onto the abutting property to the west. The fence design would need to be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit. The fence shall be installed and inspected prior to occupancy permit issuance.
 6. The applicant shall submit an amended site plan detailing pedestrian access connections. The plan must show a defined pedestrian access connection through the parking lot to entrance of the church. A dedicated pedestrian connection from the entrance of the church to SE 188th Street must also be shown on the plan. Within the gravel parking lot, the pedestrian connection

shall use materials, such as pavers or brick, to create visual separation from the graveled vehicle areas. On paved surfaces, the pedestrian connection can be painted. The plan must show a waiting area in front of the church that is separated (physically or visually) from the rest of the parking lot to ensure the safety of congregating in front of the main entrance of the church. The site plan shall be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit.

7. The applicant shall submit a signage plan to the Planning Division Project Manager detailing parking lot signs showing pedestrian connections and spaces, ADA parking stalls, and entrance and exit signs. The signage plan shall give the sign type, locations, dimensions and materials of each sign. This signage plan shall be submitted to the Planning Division Project Manager for review and approval prior to issuance of a building permit and shall be installed and inspected prior to occupancy permit issuance.
8. The applicant shall submit a revised site plan detailing a reconfiguration of the parking lot to reduce the aisle width from 60 feet to 24 feet to reduce the amount of space dedicated for vehicles. Better separation between vehicles and pedestrians would reduce the conflict between the two uses.
9. The applicant would be required to submit a wetlands delineation study pursuant to RMC 4-3-050M and drainage study, subject to Public Works Plan Reviewer approval, prior to the submittal of any permit authorizing paving and/or drainage changes on SE 188th Street.
10. The applicant shall submit a lighting plan following the standards of RMC 4-4-075 to the Planning Division Project Manager, showing the type of lighting proposed, the direction of the lighting, and the location of all of the exterior lights prior to issuance of the building permit.
11. If the Conditional Use Permit is approved, staff recommends that the existing remaining dwelling on the site be converted to clergy residential housing in order to avoid conflicts with the proposed church use.

A number of the proposed conditions are intended to reduce impacts on neighboring properties including limiting hours of operation, increased landscaping and separation on the southern and western boundaries and containing noise by using climate control systems.

16. It appears that there might be affected wetlands as well as a water feature just off site. Staff has recommended that it be defined appropriately.
17. Access would now be via a paved driveway from the north. It would include a paved hammerhead turnaround to accommodate emergency access. A modification allowing the applicant to maintain a gravel surface in the parking lot was approved administratively. The gravel surface would reduce drainage impacts and gravel should reduce dust. Defining parking stalls can be more difficult with gravel.
18. There would be parking per code requirements and the applicant would provide 19 stalls.
19. The converted church would have an assembly capacity of 90 parishioners. The current congregation is approximately 45 persons with an anticipated attendance of approximately 60 in five years. Growth beyond the capacity would have to be addressed if and when that occurred, as the space would be limited without additional renovation.
20. The applicant was concerned about the condition that would limit hours of operation as the limitation could affect Easter services. They also objected to the climate controls as well as the limitation on the use of the single-family home to clergy.

CONCLUSIONS:

1. The applicant, for a Conditional Use Permit must demonstrate that the use is in the public interest, will not impair the health, safety or welfare of the general public and is in compliance with the criteria found in Section 4-31-36 (C), which provides in part that:
 - a. The proposal generally conforms with the Comprehensive Plan;
 - b. There is a general community need for the proposed use at the proposed location;
 - c. There will be no undue impacts on adjacent property;
 - d. The proposed use is compatible in scale with the adjacent residential uses, if any;
 - e. Parking, unless otherwise permitted, will not occur in the required yards;
 - f. Traffic and pedestrian circulation will be safe and adequate for the proposed project;
 - g. Noise, light and glare will not cause an adverse affect on neighboring property;
 - h. Landscaping shall be sufficient to buffer the use from rights-of-way and neighboring property where appropriate; and
 - i. Adequate public services are available to serve the proposal.

The requested conditional use appears justified.

2. While the proposed use might not be the most appropriate use nor the most appropriate location for a church, the proposed use is not that intrusive on this larger lot, which contained a shop with heavier uses than normally occur on rural residential properties. The division of the lot into potentially four new lots would increase traffic in the area by approximately 10 new trips per home on a daily basis whereas the church use would be confined to the weekend with occasional mid-week use.
3. Churches are generally allowed in most areas of the City by the Comprehensive Plan. Although that plan suggests they be located at the periphery of residential neighborhoods and be located along arterial streets those are not mandated by code. Those two criteria are guidelines. The larger, one-acre lot allows some inherent separation from its immediate neighbors. In addition staff has recommended some conditions that will help screen the site and attenuate noise. Air conditioning and sound containment are appropriate. If locational and access street criteria are intended to be more controlling they would need to be codified.
4. This office has determined that ascertaining community need for a church serving any particular religious denomination is an inappropriate criterion.
5. While there may be impacts of establishing a church on this site they do not appear to be unduly intrusive. The realignment of the access to the public street from the narrow private roadway will considerably reduce traffic impacts on the neighboring properties. The recommendation to create more separation between the parking and surrounding properties will also reduce impacts. This office believes that while a modification to allow retention of a gravel parking surface by another agency was well meaning it might create dust issues for neighbors that should not be permitted. This office would not

generally exempt a church right in the midst of single-family homes from the normal parking lot requirements including appropriate paving and stall markings. Therefore, this office will require the lot to be paved to reduce its impacts on neighboring property.

6. The rather modest one-story, approximately 1,930 square foot building is already located on the subject site so there is no new intrusive building proposed. The applicant proposes no changes to the bulk of the building and only limited changes to its exterior.
7. The appropriate yards will be provided or maintained. Staff has recommended additional separation to the south and this should also be provided on the west to protect the single-family amenities that the R-4 should provide. The applicant shall provide 10 feet of setback and landscaping on the west to screen the parking area.
8. The relocation of the access to 188th, the north, will limit traffic impacts. The new interior driveway will also limit impacts to the neighborhood. The pavement of the parking lot will allow better demarcation of pedestrian routes from the street and parking lot to the actual church building, which was suggested by staff. Traffic circulation is safe and adequate.
9. Church services and the voices of the congregants can occasionally spill out of the building and therefore, staff's recommendation to contain noise by using climate control appears appropriate. The separation of the church from its neighbors is not substantial so limiting the impacts is appropriate.
10. Additional landscaping will help buffer the neighbors from the more intense uses that occur when up to 90 people gather on a property zoned for rural residential uses and surrounded by rural residential uses. The application shall provide at least 10 feet of landscaped buffer along the west and south property lines.
11. This office believes that the Zoning Code should be reviewed to determine whether it is appropriate to allow more than one principle use on one lot. In this case, as originally proposed, there would have been two single-family homes as well as a separate church building. Even as modified there are two principal uses - the single family home and the church. It seems that only one principle use should be permitted on a single lot but this is a policy question that the City Council might want to consider.
12. In conclusion, the establishment of a church on this property will change the character of the neighborhood and will have some additional impacts on that neighborhood but they do not appear to be unreasonable if the project is developed as now proposed and subject to the conditions suggested by staff.

DECISION:

The Conditional Use Permit is approved subject to the following conditions:

1. The applicant shall provide a revised landscape plan detailing the landscape areas that would buffer the perimeter of the parking lot from visual, noise, and dust impacts. This landscape plan shall be submitted to the Planning Division Project Manager prior to the issuance of the building permit. The landscaping shall be at least ten feet wide along the south and west property lines. The proposed landscaping shall be installed and inspected prior to occupancy permit issuance.
2. The applicant shall reconfigure the parking lot along the south property line to give additional separation between the residence on the abutting property to the south and the parking stalls. A revised

parking plan shall be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit.

3. The parking lot shall be paved and parking stalls marked appropriately.
4. The applicant shall remove the driveway that enters the subject site from 118th street and plant appropriate landscaping in that location.
5. The applicant shall close windows and doors during services/social events and install insulation and Heating/Ventilation/Air Conditioning (HVAC) within the building to limit the amount of noise impacts associated with church services. Installation of the HVAC systems would need to be accomplished prior to issuance of an occupancy permit.
6. The applicant shall limit the hours of operation of church activities to the hours of 7:00 a.m. to 10:00 p.m. The applicant may have extended hours no more than ten (10) time during the year for specific events and services.
7. The applicant shall build a six-foot fence along the west property line to screen any potential glare onto the abutting property to the west. The fence design would need to be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit. The fence shall be installed and inspected prior to occupancy permit issuance.
8. The applicant shall submit an amended site plan detailing pedestrian access connections. The plan must show a defined pedestrian access connection through the parking lot to entrance of the church. A dedicated pedestrian connection from the entrance of the church to SE 188th Street must also be shown on the plan. Within the parking lot, the pedestrian connection shall use materials, such as pavers or brick, to create visual separation from the vehicle areas. On paved surfaces, the pedestrian connection can be painted. The plan must show a waiting area in front of the church that is separated (physically or visually) from the rest of the parking lot to ensure the safety of congregating in front of the main entrance of the church. The site plan shall be submitted to the Planning Division Project Manager for approval prior to issuance of a building permit.
9. The applicant shall submit a signage plan to the Planning Division Project Manager detailing parking lot signs showing pedestrian connections and spaces, ADA parking stalls, and entrance and exit signs. The signage plan shall give the sign type, locations, dimensions and materials of each sign. This signage plan shall be submitted to the Planning Division Project Manager for review and approval prior to issuance of a building permit and shall be installed and inspected prior to occupancy permit issuance.
10. The applicant shall submit a revised site plan detailing a reconfiguration of the parking lot to reduce the aisle width from 60 feet to 24 feet to reduce the amount of space dedicated for vehicles. Better separation between vehicles and pedestrians would reduce the conflict between the two uses.
11. The applicant would be required to submit a wetlands delineation study pursuant to RMC 4-3-050M and drainage study, subject to Public Works Plan Reviewer approval, prior to the submittal of any permit authorizing paving and/or drainage changes on SE 188th Street.
12. The applicant shall submit a lighting plan following the standards of RMC 4-4-075 to the Planning Division Project Manager, showing the type of lighting proposed, the direction of the lighting, and the location of all of the exterior lights prior to issuance of the building permit.

13. The existing remaining dwelling on the site be converted to clergy residential housing in order to avoid conflicts with the proposed church use.

ORDERED THIS 20th day of November 2008.

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 20th day of November 2008 to the following:

Mayor Denis Law	David Pargas, Fire Marshal
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
King County Journal	

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., December 4, 2008.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., December 4, 2008.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

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The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.